

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 257/292
 First Named Inventor: Goldberg
 Prior Application Information:
 Serial No. 09/019,352
 Examiner: S. Crow
 Art Unit: 3764

BOX PATENT APPLICATION
 Commissioner for Patents
 Washington, D. C. 20231

FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☒ continuation ☐ divisional ☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/019,352 filed on February 5, 1998.

Johnny Goldberg, entitled:

Stationary Exercise Bicycle

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

I. APPLICATION ELEMENTS ENCLOSED

9 Page(s) of Written Description
4 Page(s) of Claims
1 Page(s) of Abstract
5 Sheet(s) of Drawings ☒ formal ☐ informal
 Page(s) of ☐ Declaration or ☒ Declaration and Power of Attorney
☒ Copy from prior application [37 CFR §1.63(d)]
☐ Newly executed
 Other: _____

CERTIFICATE OF MAILING
 (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

EL360934153US
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September 28, 2000
 Date of Deposit

Debbie Gilbert

Name of Person Mailing Paper

Debbie Gilbert

Signature of Person Mailing Paper

jc564 U.S. PTO
 09/672197
 09/28/00

- ☒ Assignment papers (cover sheet and documents(s))
- ☒ An Information Disclosure Statement, PTO 1449, ☐ with copies of cited items.
- ☐ A Verified Statement to establish small entity under 37 CFR §§ 1.9 and 1.27: ☐ Is attached. ☐ Has been filed in the prior application and such status is still proper and desired. [37 CFR § 1.28(a)]

II. FEE CALCULATION

BASIC FILING FEE:					\$690.00
Total Claims	-	20	=	0	x \$18.00 \$0.00
Independent Claims	-	3	=	0	x \$78.00 \$0.00
Multiple Dependent Claims	\$260	(if applicable)		<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS					\$690.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.					\$0.00
Misc. Filing Fees (Recordation of Assignment)					\$40.00
TOTAL FEES DUE HERewith					\$730.00

III. PRIORITY - 35 USC § 119

- ☐ Priority of application Serial No. _____ filed on _____ in Country is claimed under 35 USC § 119.
- ☐ The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
- ☐ The certified copy will follow.

IV. AMENDMENTS

- ☒ Cancel in this application original Claims 11-16 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

V. RELATE BACK - 35 USC § 120☒ Relate back information included in preliminary amendment or specification.☐ Please amend the specification as follows:

[Enter continuing data here]

☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:☒ the same.☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:

[Name(s) of inventor(s) to be deleted]

VI. FEE PAYMENT BEING MADE AT THIS TIME☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]☒ Attached.☒ Filing fees. \$690☒ Recording assignment. [\$40.00 37 CFR § 1.21(h)(1)] \$40☐ Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached.
[\$130.00; 37 CFR §§ 1.47 and 1.17(h)]☐ Petition fee to Suspend Prosecution for the Time Necessary to File an Amendment (New Application Filed Concurrently.)
[\$130.00; 37 CFR §§ 1.103 and 1.17(i)]☐ For processing an application with a specification in a non-English language.
[\$130.00; 37 CFR §§ 1.52(d) and 1.17(k)]☐ Processing and retention fee.
[\$130.00; 37 CFR §§ 1.53(f) and 1.21(l)]

Total Fees Enclosed \$730

VII. METHOD OF PAYMENT OF FEES☒ Attached is a check in the amount of \$730.☐ Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of _____

008260 "2642950"

VIII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit Lyon & Lyon's Deposit Account No. **12-2475** for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **12-2475**:

- ☒ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☒ 37 CFR § 1.17 (Application processing fees)
- ☐ 37 CFR § 1.18 (Issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR § 1.311(b))
- ☒ 37 CFR § 1.21 (Assignment recordation fees)

IX. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- ☒ The power appears in the original papers in the prior application. Copy attached.
- ☐ The power does not appear in the original papers, but was filed on _____ in prior application Serial No. _____.
- ☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number 22249:

**22249**

PATENT TRADEMARK OFFICE

LYON & LYON LLP
Suite 4700
633 W. Fifth Street
Los Angeles, CA 90071

Please direct all inquiries to Laura M. Burson, at 213-489-1600.

X. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until _____. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

XI. ABANDONMENT OF PRIOR APPLICATION

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

LYON & LYON LLP

Dated: September 28, 2000

By: Laura M. Burson

Laura M. Burson
Reg. No. 40,929

Enclosures

Mad Dogg Athletics, Inc.
Name of Assignee

2111 Narcisus Court
Venice, California 90291
Address of Assignee

President/CEO
Title of person authorized to sign on behalf of assignee

09-29-00

A

EL360934153US

Patent
257/292

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

JOHNNY GOLDBERG

Serial No.:

Filed: September 28, 2000

For: A Stationary Exercise Bicycle

Group Art Unit:

Examiner:

TRANSMITTAL LETTER

BOX PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith via Express Mail No. EL360934153US is a CONTINUATION APPLICATION pursuant to 37 C.F.R. § 1.53(b) and corresponding transmittal sheets; RECORDATION FORM COVER SHEET and supporting documents for the recordation of the assignment; STATEMENT UNDER 37 C.F.R. 3.73(b) and supporting documents; a copy of the change in the POWER OF ATTORNEY submitted in parent application Serial No. 09/019,352

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to Office of Petitions, Commissioner for Patents, Box DAC, Washington, DC 20231.

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September 28, 2000
Date of Deposit

Debbie Gilbert

Name of Person Mailing Paper

Debbie Gilbert

Signature of Person Mailing Paper

submitted for the presently attached application; and a copy of the OATH of the Inventor submitted in the patent application Serial No. 09/019,352 submitted for the presently attached application.

Also attached is PTO Form 1449 submitted in accordance with the Applicant's duty of disclosure under 37 C.F.R. 1.56 and 1.97-1.98. This Form is filed in accordance with 37 C.F.R. 1.97(b)(1), (3), within three months of the filing of the application and prior to issuance of the First Office Action on the merits. Thus, no petition or fee is required. The patents, publication and other information disclosed in the attached PTO Form 1449 were previously submitted to the Office in the parent applications Serial Nos. 09/019,352; 08/736,976; 08/391,438; 07/969,765, on which this application relies for an earlier filing date under 35 U.S.C. § 120. Accordingly, pursuant to 37 C.F.R. 1.98(d), copies of the previously cited or submitted patents, publications, and other information listed in the attached PTO Form 1449 are not attached.

The items identified in the PTO Form 1449 may or may not be "material" pursuant to 37 C.F.R. § 1.56 and the submission thereof by Applicant shall not be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

The filing of this PTO Form 1449 shall not be construed to mean that a search has been made or that no other material information, as defined in 37 CFR § 1.56, exists.

Enclosed herewith is a check in the amount of \$730 bearing check # 12813. The Commissioner is hereby authorized to charge Lyon & Lyon's Deposit Account No. 12-2475 for any additional fees which may be required, or credit any payment of any fees associated with this communication.

Respectfully submitted,

LYON & LYON LLP

Dated: September 28, 2000

By: Laura M. Burson

Laura M. Burson
Reg. No. 40,929

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